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| Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Peter J. Mastan, Trustee travis.terry@dinsmore.com 550 S. Hope St., Suite 1765 Los Angeles, California 90071 Telephone: 213-335-7737 Chapter 7 Trustee of the Bankruptcy Estate of Key Cesena <input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for: | FOR COURT USE ONLY |
| UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION | |
| In re: KAY CESENA, Debtor(s). | CASE NO.: 2:21-bk-14814-NB CHAPTER: 7 NOTICE OF SALE OF ESTATE PROPERTY |

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|---|-----------------------|
| Sale Date: 04/12/2022 | Time: 11:00 am |
| Location: Courtroom 1545, 255 E. Temple St., Los Angeles, CA 90012 | |

Type of Sale: ☒ Public ☐ Private

Last date to file objections: 03/29/2021

Description of property to be sold:
2017 Subaru Outback

Terms and conditions of sale: "AS IS" and "WHERE IS" basis, subject to all existing encumbrances, liens, claims and restrictions thereon, if any. See concurrently filed motion for lien information.

Proposed sale price: \$ 8,325.00

Overbid procedure (*if any*):

Initial bid must be at least \$9,325 (the amount being paid by Debtor (\$5,000) plus Debtor's available exemption \$3,325) plus \$1,000). Subsequent bids must be at least \$500 higher than the initial bid.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

Peter J. Mastan, Trustee
550 S. Hope St., Suite 1765
Los Angeles, CA 90071
Telephone: (213) 335-7739
travis.terry@dinsmore.com

Date: 03/01/2022

Peter J. Mastan, Trustee
travis.terry@dinsmore.com
550 S. Hope St., Suite 1765
Los Angeles, California 90071
Telephone: 213-335-7737

Chapter 7 Trustee of the Bankruptcy Estate
of Key Cesena

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

KAY CESENA,

Debtor(s).

Case No. 2:21-bk-14814-NB

Chapter 7

**NOTICE OF HEARING ON MOTION
TO APPROVE ASSIGNMENT
AGREEMENT BETWEEN THE
TRUSTEE AND DEBTOR FOR THE
TRUSTEE'S CONVEYANCE OF THE
ESTATE'S INTEREST IN A 2017
SUBARU OUTBACK**

Date: April 12, 2022
Time: 11:00 a.m.
Ctrm: Courtroom 1545
255 E. Temple Street
Los Angeles, CA 90012
Judge: Hon. Neil W. Bason

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1 **TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE,**
2 **THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL SCHEDULED**
3 **CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES, AND THEIR**
4 **RESPECTIVE COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on April 12, 2022, on the 11:00 a.m. calendar, in
6 Courtroom 1545 of the United States Bankruptcy Court located at 255 E. Temple Street, Los
7 Angeles, California 90012, the Honorable Neil W. Bason, United States Bankruptcy Judge, will
8 conduct a hearing on the “Motion To Approve Assignment Agreement between the Trustee and
9 Debtor for the Trustee’s Conveyance of the Estate’s Interest in a 2017 Subaru Outback” (the
10 “Motion”) filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the
11 “Estate”) of Kay Cesena (the “Debtor”). Through the Motion, the Trustee seeks an order that does
12 each of the following:

13 **(1)** Approves the Assignment Agreement (the “Agreement”) attached as **Exhibit 1** to
14 the Motion.

15 **(2)** Authorizes the Trustee to make the assignment of the Estate’s interest in the vehicle
16 described as a 2017 Subaru Outback (VIN 4S4BSANC7H3418699) (the “Vehicle”) and
17 determines that the assignment is made on an “AS IS” and “WHERE IS” basis, subject to all
18 existing encumbrances, liens, claims and restrictions thereon, if any.

19 **(3)** Determines that the Agreement was made in good faith in an arm’s-length
20 transaction and that the assignee of the Estate’s interest in the Vehicle (whether the Debtor, or a
21 successful overbidder) is acting in good faith within the meaning of 11 U.S.C. § 363(m).

22 **(4)** Determines that adequate notice of the Motion was given.

23 **(5)** Authorizes the Trustee to perform the terms of the Agreement and to sign all such
24 documents that are reasonably necessary to perform the Trustee’s obligations under the
25 Agreement.

26 **(6)** Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

27 **(7)** Approves the following overbid procedure:

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1 **(a)** any initial overbid for an assignment of the Estate's interest in the Vehicle
2 must be in an amount at least \$1,000 greater than the amount to be paid by the Debtor under the
3 Agreement (i.e., in an amount not less than \$6,000.00 plus the amount of the Debtor's \$3,325
4 available exemption in the Vehicle for a total of \$9,325);

5 **(b)** in the event that the Trustee receives multiple overbids, any subsequent
6 overbids must be made in Court at the time of the hearing on the Motion and must be made in
7 minimum increments of \$500;

8 **(c)** any overbid must be accompanied by a certified or cashier's check in the
9 full amount of that bid and the successful overbidder must pay to the Trustee by certified or
10 cashier's check the full purchase price at the time of the hearing on the Motion;

11 **(d)** any sale at overbid will be all cash "AS IS," "WHERE IS," subject to all
12 claims, liens, encumbrances, and other interests, with all faults and without any representation or
13 warranty whatsoever, whether express or implied, including without limitation, without warranty
14 as to functionality, merchantability, or fitness for a particular purpose and;

15 **(e)** the Trustee may exercise his discretion to reject a particular overbid that is
16 not both higher and better (based upon all of the circumstances) than the Debtor's offer or the
17 offer of other overbidders.

18 **(f)** any person making an overbid for the Vehicle shall be deemed to have
19 made, on his/her/their own account, each of the representations made by the Debtor to the Trustee
20 as set forth in Paragraph 5 of the Agreement.

21 **(8)** Authorizes the Trustee to close the proposed assignment of the Estate's interest in
22 the Vehicle to the Debtor (or the successful overbidder) unless an appeal of the order authorizing
23 that sale is timely filed and a stay pending appeal is entered.

24 **(9)** Waives the 14-day stay of orders for the disposition of Estate property set forth in
25 Fed.R.Bankr.P. 6004(h).

26 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
27 §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and
28 Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed assignment is in the

1 best interest of the Estate in that it will maximize the value of the Estate's interest in the Vehicle to
2 unsecured creditors.

3 **NOTICE IS FURTHER GIVEN** that the Motion is based on (a) this Notice of Hearing of
4 the Motion; (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and
5 Authorities, Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court
6 of which the Court is requested to take judicial notice; and (d) such further evidence that may be
7 properly submitted prior to or at any hearing on the Motion. At your own expense, you may
8 obtain a complete copy of the Motion from the Court's file. Alternatively, you may obtain a free,
9 electronic copy of the Motion by contacting Mr. Travis Terry at travis.terry@dinsmore.com and
10 providing to Mr. Terry your email address.

11 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(f), any
12 opposition to the Motion must be in writing; must be filed with the Court and served upon the
13 Trustee, the Office of the United States Trustee, and the Debtor at the addresses set forth below
14 not later than 14 days before the hearing on the Motion; and must include a complete written
15 statement of all reasons in opposition thereto or in support or joinder thereof, declarations and
16 copies of all photographs and documentary evidence on which the responding party intends to
17 rely, and any responding memorandum of points and authorities:

18 **For Filing With the Court**

19 Clerk's Office
20 United States Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, California 90012

21 **For Service on Judge Bason**

22 Hon. Neil W. Bason
23 United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
24 255 E. Temple Street, Suite 1552
25 Los Angeles, CA 90012

26 **For Service on the Trustee**

27 Peter J. Mastan, Trustee
550 South Hope Street, Suite 1765
28 Los Angeles, California 90071-2627

For Service on Office of U.S. Trustee

Office of the U.S. Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017

For Service on the Debtor

Jeffrey B. Smith, Esq.
301 E. Ocean Blvd., Ste 1700
Long Beach, CA 90802

and

Kay Cesena
12238 Renville St.
Lakewood, CA 90715

1 **NOTICE IS FURTHER GIVEN** that hearings in Judge Bason's courtroom are now
2 simultaneously (1) in person in the courtroom, unless the Court has been closed (check the Court's
3 website for public notices), (2) via ZoomGov video, and (3) via ZoomGov telephone. You are
4 free to choose any of these options, except that evidentiary hearings/trials must be in person in the
5 courtroom (unless otherwise ordered).

6 For instructions to appear via ZoomGov (either telephonically or by video), please see the
7 tentative ruling for the first matter on calendar for the date of your hearing (i.e., page 1 of the
8 posted tentative rulings). You do not need to call Chambers for advance approval. ZoomGov
9 appearances are free for all participants. The audio (but not video) will be recorded as the official
10 record. See also <https://www.cacb.uscourts.gov/news/zoom-video-hearing-guide-participants>.

11 Appearances via CourtCall are no longer permitted (for technical reasons, it is not possible
12 to have both ZoomGov and CourtCall running simultaneously).

13 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(h),
14 failure to timely file and serve an objection may be deemed by the Court to be consent to granting
15 the Motion.

16 DATED: March 1, 2022

Respectfully submitted,

CHAPTER 7 TRUSTEE

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19 By: /s/ Peter J. Mastan
Peter J. Mastan
Chapter 7 Trustee of the Bankruptcy
Estate of Kay Cesena
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 550 S. Hope Street, Suite 1765, Los Angeles, CA 90071

A true and correct copy of the foregoing document described as: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d), and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(S) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 1, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addresses indicated below:

- **Peter J Mastan (TR)** pmastan@iq7technology.com; travis.terry@dinsmore.com; ecf.alert+Mastan@titlexi.com
- **Jeffrey B Smith** jsmith@cgsattys.com, vphillips@cgsattys.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov

____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **March 1, 2022**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

Kay Cesena
12238 Renville St.
Lakewood, CA 90715

____ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 1, 2022**, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows:. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

____ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 1, 2022
Date

TRAVIS MICHAEL TERRY
Type name

/s/ Travis Michael Terry
Signature